

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DIRECT REPORT CORPORATION  
d/b/a/ SHAREHOLDER.COM,

Plaintiff,

v.

CCBN.COM, INC., THE THOMSON  
CORPORATION, ROBERT I. ADLER, JOHN  
DOES 1 THROUGH 5, and JANE DOES 1  
THROUGH 5,

Defendants.

Civil Action No. 04-10535-PBS

**DEFENDANTS CCBN.COM AND THE THOMSON CORPORATION'S  
ASSENTED-TO MOTION FOR LEAVE TO FILE A SURREPLY TO CLARIFY  
A MISSTATEMENT IN PLAINTIFF SHAREHOLDER.COM'S  
RESPONSE TO DEFENDANTS' SUPPLEMENTAL OPPOSITION TO  
SHAREHOLDER.COM'S MOTION TO COMPEL DEFENDANTS TO  
CONDUCT SEARCHES OF CCBN.COM'S ELECTRONIC BACKUP TAPES**

Defendants CCBN.com, Inc. ("CCBN") and the Thomson Corporation

("Thomson")(collectively, "Defendants") submit this Assented-to Motion For Leave To File A Surreply To Clarify A Misstatement In Shareholder.com's ("Shareholder") Response to Defendants' Supplemental Opposition To Shareholder's Motion To Compel Defendants To Conduct Searches Of CCBN.com's Electronic Backup Tapes (the "Assented-to Motion For Leave to File a Surreply"). In support of the Assented-to Motion For Leave to File a Surreply, Defendants state as follows:

1. In its Response to Defendants' Supplemental Opposition to Plaintiff Shareholder's Motion to Compel, Shareholder attempts to significantly expand the scope of their underlying Motion to Compel (and Shareholder's Document Request 13 underlying that Motion to Compel) by stating that it previously requested the production of "all of CCBN's

communications with the 110 identified clients *and* all of CCBN's *internal communications* regarding those specific clients" during any period of time. *See* Plaintiff Direct Report Corporation's Response to Defendants' Supplemental Opposition to Plaintiff Shareholder.com's Motion to Compel Defendants CCBN.com and The Thomson Corporation to Conduct Searches of CCBN.com's Electronic Backup Tapes, dated October 12, 2005, at 2. This is plainly inaccurate.

2. Shareholder has previously and consistently demanded – and the document request that is the subject of their Motion to Compel seeks – the search of CCBN's archival system backup tapes for communications *between* CCBN and the 110 identified clients during 2002. It has never previously requested a search of CCBN's back-up tapes for all of CCBN's *internal* communications regarding those 110 identified clients, nor has it previously requested searches of the CCBN archival backup tapes for any documents outside of the 2002 timeframe.

3. The Defendants have requested that Shareholder bring this discrepancy between the relief requested in its underlying Motion to Compel and the relief purportedly requested in its Response to the Court's attention. However, during a telephonic meet and confer between counsel on October 31, 2005, Shareholder refused to amend its statements regarding the scope of its underlying Motion to Compel and Document Request 13.

4. Accordingly, Defendants respectfully request that the Court grant this Assented-to Motion For Leave to File A Surreply, so that the Defendants may bring this discrepancy to the Court's attention.

Respectfully submitted,

CCBN.COM, INC. and THE THOMSON  
CORPORATION,

By its attorneys,

/s/ Jennifer L. Chunias  
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Dated: November 1, 2005

**LOCAL RULE 7.1A(2) CERTIFICATION**

Pursuant to Local Rule 7.1(A)(2), counsel for CCBN conferred on October 31, 2005 with counsel for Plaintiff and for Mr. Adler, who have assented to the relief requested in this Motion.

/s/ Jennifer L. Chunias

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**[PROPOSED] ORDER**

Having considered the Defendants' CCBN.com and The Thomson Corporation's Assented-to Motion For Leave To File A Surreply To Clarify A Misstatement In Plaintiff Shareholder's Response to Defendants' Supplemental Opposition To Plaintiff Shareholder's Motion To Compel Defendants To Conduct Searches Of CCBN.com's Electronic Backup Tapes, the Court finds the motion well-taken and it is hereby GRANTED.

\_\_\_\_\_  
United States Magistrate Judge

Dated: \_\_\_\_\_, 2005